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HEARING DATE: October 7, 2020

HEARING TIME: 10:00 AM

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

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In re
Lorraine Santoli

Case No. 16-23516 (rdd)

Chapter 13

Debtors.

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MOTION TO CONVERT FROM CHAPTER 13 TO CHAPTER 11

The Debtor, Lorraine Santoli, pursuant to 11 U.S.C. Section 1307(d), hereby elects to convert the above-captioned Chapter 13 case to a case under Chapter 11 of the Bankruptcy Code.

The Debtor is entitled to convert her case because:

1. This case, filed on November 4, 2016, has not been previously converted under section 1307 of the Bankruptcy Code; and
2. The Debtor is eligible to be a debtor under Chapter 11 of the Bankruptcy Code.
3. In the course of the current Chapter 13 case it was ascertained that the total secured claims exceed the total allowable secured Chapter 13 debt limits set under 11 U.S.C. 109(e) at the time of filing. In 2016 the secured debt limit was \$1,149,525. 11 U.S.C. 109(e).
4. The secured claims filed totaled \$1,253,816.64 which includes a claim for \$1,050,269.63 by Shellpoint Mortgage Servicing related to an alleged mortgage debt on the debtor's primary residence and an alleged second mortgage by Real Time Resolutions for \$203,567.01.
5. The Debtor does not qualify as a Chapter 7 Debtor based on her income and means test calculations. The Debtor does not qualify for Chapter 13 as the filed claims do exceed the secured debt limits under 11 U.S.C. 109(e). The Debtor desires to exercise her right to pursue bankruptcy protection and wishes to present a plan to convert his Chapter 13 case to a Chapter 11 case.
6. The Debtor also shows unto the Court that she will be filing the required amendments as well as additional required statements and the Chapter 11 plan in this case within 15 days of the date of entry an Order granting Debtor's instant Motion to Convert From Chapter 13 to Chapter 11.

WHEREFORE, the Debtor under rules 1017 and 9013 of the Federal Rules of Bankruptcy procedure hereby requests conversion of her case to a case under Chapter 11.

Date: October 2, 2020

Signature: /s/ Linda M. Tirelli
Linda M. Tirelli, Esq.
Tirelli Law Group LLC
50 Main Street, Suite 1265
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Phone: (914)732-3222

Date: October 2, 2020

Signature: /s/ Lorraine Santoli
Lorraine Santoli